RETURN

To an Address presented to His Honour the Lieutenant-Governor, requesting His Honour to cause to be placed before the House copies of all Orders in Council, telegrams, papers and correspondence, or other information in the possession of the Government, or any of its members or officials, between the Attorney-General, or any official of his or any other department, and Isaac Lehman, Esq., J.P., of Ashcroft, and any other official of the Government, or any other person or persons, relative to the prosecution and discharge of one Edward Charles Carey, for alleged embezzlement, or any matters or proceedings connected therewith.

By Command.

THEODORE DAVIE,

Attorney-General.

Attorney-General's Office,
3rd February, 1891.

[TELEGRAM.]

ASHCROFT, B.C., July 11th, 1890.

To P. Æ. Irving.

Agent for Railway and Express Companies here has embezzled over two thousand dollars in c.o.d. envelopes, *en route* to Victoria, belonging to persons at Victoria. Should the information state the names of each person and the amount due them, or is it proper and sufficient to state that the total amount is the property of the Express Company? It will make a great difference as to number of witnesses for prosecution. Prisoner is willing to make a clean statement of the transaction. Case remanded. Wire.

(Signed) F. HUSSEY.

[TELEGRAM.]

VICTORIA, 11th July, 1890.

F. Hussey, Ashcroft.

The total amount the property of the company will be sufficient.

(Signed) IRVING.

KAMLOOPS, July 13th, 1890.

P. Æ. Irving, Esq.,
Deputy Attorney-General, Victoria.

REG. v. CAREY.

SIR,—The friends of the prisoner are anxious to compromise by paying to the Express Company the amount stolen by Carey, which is about $2,250, but they will not pay the money unless the prosecution is withdrawn and the prisoner is discharged from custody. Mr. Ford, superintendent for the said company, seems anxious to do this, if his company will consent, and he has wired to the head office at Toronto for permission to do so, provided the Government allow the compromise to take place. All the evidence for the prosecution has been taken, and the case has been remanded until Wednesday next at the request of the prisoner, who says he wishes to obtain legal advice. I have just returned from Ashcroft, and thought it best to inform you what had been done. The evidence is very strong, and it is likely that the Magistrate will commit Carey for trial next Wednesday. In addition to the sum taken from the Express Company, Carey has embezzled about $900 from the C. P. Railway Company, but no information in the latter case has been laid, as Carey has promised to pay the amount at once. When the accused is committed the depositions and exhibits, etc., will be forwarded to you.

Obediently yours,

(Signed) FREDERICK HUSSEY.

[TELEGRAM.]

ATTORNEY-GENERAL'S OFFICE, 14th July, 1890.

F. Hussey,
Ashcroft or Kamloops.

If prosecutors in case of Carey for embezzlement wish to withdraw prosecution, and state that restitution has been made, no objection to dismissal of charge. Prosecutors should pay what expenses have been incurred by you.

(Signed) IRVING.

ASHCROFT, B.C., July 17th, 1890.

Hon. Theodore Davie,
Attorney-General, Victoria, B.C.

DEAR SIR,—Regarding this case of one C. E. Carey, now pending here for embezzlement to the amount of over $3,000 (three thousand dollars). Permit me to state, that it is a plain case with unquestionable proof of his continued and persistent embezzling from the two companies who gave him employment. And this being the case, how can I, having taken my oath to judge and deal with all cases brought before me without partiality, &c., be expected to dismiss a case like this in the face of such unquestionable evidence, and have the prisoner released without an order direct from you to do so. As I understand the telegram from your deputy to Mr. F. Hussey, it does not satisfy my conscience in the matter. If these parties who are scouring the country to raise money enough to pay this deficiency to the companies providing we liberate the prisoner at once, would quietly hand the amount to Mr. Carey and let him pay up his shortage to the companies, and then trust to the law, the Court understanding that the shortage had been paid up soon after the arrest of the prisoner, in my opinion he would get out of his trouble very easily. But instead of that, they say we will not pay one cent if the prisoner is not released at once. It looks to me like a wrong position for citizens to take; like taking a stand on the side of crime, and endeavouring to prevent a man (who has persisted in a crime for months and months) from being made an example of in the least degree. I would not like to see the man's sentence a hard one myself. But as I regard the oath of my office as J.P., and as Mr. Hussey has told me that the case is altogether in my hands as yet, I do not feel that I would be doing justice to myself to liberate the prisoner with the evidence before me which there is here against his case, even if they do succeed in raising the deficiency to the companies, unless I have an order direct from you to do so. The case stands re-remanded until Saturday next at four o'clock p.m., with the understanding that no further remand can be hoped for. I trust you will without fail telegraph to me your instructions, and if the deficiency is made up, and you want me to liberate the prisoner, give me the order to do it and it shall be done. But I do not want to shoulder the responsibility myself, if I did I think I might regret it.

I have, etc.,
(Signed) I. LEHMAN.

[TELEGRAM.]

VICTORIA, 18th July, 1890.

I. Lehman, Esq., J. P.,
Ashcroft.

In the case of Carey you will exercise your own judgment. All that the telegram to Hussey meant was that if satisfaction made, there would be no objection to discharge. I have no orders to give.

(Signed) THEODORE DAVIE,
Attorney-General.

VICTORIA, B. C.
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